

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

VLADIMIR BUDESTEAN, et al.,

Defendants.

Case No. 2:11-cr-00434-LDG-PAL

ORDER

(Mtn to Withdraw - Dkt. #301)

This matter is before the court on Ms. Janet Markley's Motion to Withdraw as Counsel for Defendant Vladimir Budestean, docketed as a motion to withdraw by attorney Robert Walsh, (Dkt. #301). The court has considered the Motion.

On December 13, 2011, the grand jury returned an Indictment (Dkt. #1) against Budestean and other co-Defendants, charging Budestean with one count each of: (a) Wire Fraud in violation of 18 U.S.C. § 1343; (b) Conspiracy to Commit Wire Fraud in violation of 18 U.S.C. § 1349; and (c) Conspiracy to Launder Monetary Instruments in violation of 18 U.S.C. § 1956(h). Budestean made an initial appearance on December 15, 2011, with retained counsel Mr. John Momot, entered not guilty pleas to each charge, and was detained pending trial. *See* Minutes of Proceeding (Dkt. #47); *see also* Designation of Retained Counsel (Dkt. #98). On January 19, 2012, the court granted Mr. Momot's Motion to Withdraw as Counsel (Dkt. #127), and on January 31, 2012, Mr. Eric P. Roy was confirmed as counsel of record for Budestean. *See* Minutes of Proceedings (Dkt. ##138, 141, 146); *see also* Designation of Retained Counsel (Dkt. #147). On July 10, 2012, the court granted Mr. Roy's Motion to Withdraw as Counsel (Dkt. #201) and after reviewing Budestean's financial affidavit, appointed Mr. Randall Roske to represent Defendant. *See* Minutes of Proceedings (Dkt. ##208, 209); *see also* Order Appointing Counsel (Dkt. #212).

1 On October 16, 2012, the grand jury returned a Superseding Indictment (Dkt. #243), charging
2 Budestean with the same violations as the Indictment. Budestean appeared with Mr. Roske and was
3 arraigned on the Superseding Indictment and pled not guilty to the charges. *See Minutes of Proceeding*
4 (Dkt. #212).

5 The Motion represents that Ms. Markley is unable to contact Budestean, and as a result, she
6 cannot adequately represent him. She represents she served the Motion on Budestean at his last known
7 address and on government counsel, Ms. Nadia Ahmed. However, it appears that Ms. Markley filed the
8 Motion to Withdraw in the wrong case. First, the caption of the Motion refers to two criminal citation
9 numbers, 2854191-N6 and 2854191-N6, not this criminal case. Second, Mr. Roske is still Budestean's
10 counsel of record in this case. Third, Ms. Markley is not and has never been counsel of record for
11 Budestean in this case. Fourth, Mr. Timothy Vasquez and Mr. Michael Humphries are counsel of
12 record for the government; Ms. Ahmed is not. Fifth, Budestean is currently detained pending trial in
13 the Southern Nevada Detention Center in Pahrump, Nevada, which is why Ms. Markley has been
14 unable to contact Budestean at his last known address or phone number.

15 Finally, on November 27, 2012, the Clerk of the Court entered a Notice (Dkt. #310) to Ms.
16 Markley advising her that she is not counsel of record for Budestean in this case, the caption of the
17 Motion lists two citation numbers, and she used another attorney's CM/ECF account to file the Motion,
18 which is not an acceptable practice. The Notice directed Ms. Markley to contact the Clerk of the
19 Court's help desk to advise whether the Motion was simply misfiled. The Clerk of the Court has
20 advised the undersigned's staff that Ms. Markley has not complied.

21 Having reviewed and considered the matter,

22 **IT IS ORDERED** that the Clerk of Court shall **STRIKE** the Motion to Withdraw (Dkt. #301)
23 as filed in the wrong case.

24 **IT IS FURTHER ORDERED** to the extent Ms Markley seeks to withdraw as counsel in the

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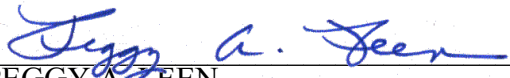
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1 two citation matters cited in the caption of the motion, the motion is **DENIED**. Mr Budestean is
2 detained at the Southern Nevada Detention Center in Pahrump and may be contacted there.

3 Dated this 6th day of December, 2012.

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6 PEGGY A. LEEN
7 UNITED STATES MAGISTRATE JUDGE
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